1949. File No. O [illegible]

Legal Departm

A BRANCH

Subject:— Opinions under the

Prisons Act 1894

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C O N T E N T S.

Legal Department File No. O. Prisons /49.

Sr. No.	R. I. / O. No.	Subject.	Pages.
		Prisons Act, 1923.	
1.	R.I.No.86-Confl. 13.1.49. O.No.44-Confl. 17.1.1949.	Sec. 8(1)(a) -- Prisoners Act, 1900 ---sec. 2(b) purpose to convert the Ratnagiri and Sawantwadi State Jails into sub-District Jails --- Whether it is necessary to declare them to be "Sub-jails" under sec. ---	1-4
2.	R.I.No. 1603. 5.2.49. O.No.1544. 9.2.49.	Prisoners Act, 1900, sec. 15 ---- Whether the Inspector General can transfer by an executive order Prisoners from Bombay Provinces (Proper) to state prisons or sub-jails ---	5-8
3.	R.I.No. O.No.1911. 17.2.49.	Sec. 59(5) and Code of Criminal Procedure Code 1898 -sec 401 -- Whether it is necessary to amedd sec. 59 conferring power to make rules for granting furlough to prisoners.	9-10-

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1166

L.D.R.I. No. 25-Confl. dt.13.1.49.

Submitted.

With a view to accommodate the increasing number of prisoners, the Inspector General of Prisons has proposed to convert the Ramdurg and Savantwadi State Jails into Sub-District Jails. In connection with this proposal of the I.G., the Home Department considers that the State Jails will not become automatically "sub-jails" but that they will have to be declared to be "sub-jails" under section 3(1) (c) of the Prisons Act. The R.L.A. is requested to advise whether this view is correct.

V.M.D./6-6
4c.

Office of the R.L.A.

Ramdurg and Savantwadi Jails.

Prisons Act, 1894 section 3(1)(c) and Prisoners Act. 1900, sec. 2(b).

By virtue of section 3(1) of the Prisons Act, 1894 the jails in Ramdurg and Savantwadi States are prisons; and if those jails are now to be converted into sub-jails a special order, in supersession of t the orders previously made, may be made declaring them to be sub-jails (see section 3(1) (c) of the Prisons Act, 1894 and section 2(b) of the Prisoners Act, 1900)

Sd/- P.M.Lad.

17-1

Remembrancer of Legal Affairs.

U.R. to H.D. No. 44-Confl , dated 17th January 1949.

V.M.D./4c.

L.D.R.I.No. 1603, dt.3.2.49.

Submitted.

Please see the R.L.A's opinion No. 44-Confl. dt. 17th January 1949 at p. 11ante. The Inspector General of Prisons in his letter at p. 13 ante states that as prisoners and detenus from Bombay Province are sent to State jails, it would be safer to declare these State jails as sub-jails under section 3(1) (c) of the Prisons Act, 1894. The Home Secy. is doubtful whether the Inspector General can transfer, by an executive order, prisoners from Bombay Province (proper) to these State prisons or sub-jails, and he desires the R.L.A. to advise (p.16).

V.E.D./6-6
46.

Office of the R.L.A.

Transfer of Prisoners to sub-jails in merged States.

Prisoners Act, 1900.
sec. 15.

The view taken by Secy. H.D. is correct. Until the merger of the Deccan States is complete the I.G.P. would not be competent to transfer by an executi order the prisoners of the Bombay Province to the jails in the States even though they are declared sub-jails.

Sd/- P.M.Lad.
8.2
Remembrancer of Legal Affairs.

U.R. to H.D., No. 1544 , dated the 9th & February 1949.

V.M.D. /6-6
4c.

Office of the R.L.A.

Grant of furlough to prisoners.

Prisons Act, 1894. Sec. 59(5) and Criminal Procedure Code, 1898. sec. 401.

Section 59(5) of the Indian Prisons Act, 1894 enables the Provincial Government to make rules for the award of marks and the shortening of sentences. Such shortening of sentences does not necessitate each time the exercise of the powers under section 401 of the Code of Criminal Procedure. If that be so, the grant of furlough and the remission consequent upon it need not attract the provisions of section 401. Provision for the furlough and the remission may best be made by the rules under the Prisons Act; and for that purpose it would be safer to amend section 59 of that Act conferring power to make rules for granting furlough, the conditions on which it is to be granted and for shortening the sentence in consequence.

Sd/- P. Mahmud Lad.
16-2.
Remembrancer of Legal Affairs.

U.R. to H.D., No. 1911 , dated the 17th February 1949.

V.M.D./6-6
4c.